

DISCUSSION OF THE CLAIMS

Claims 1-22 are active in the present application. Independent Claim 1 has been amended for matters of form. Independent Claim 1 has also been amended to recite that the ammoximation of the ketones is a simultaneous ammoximation. Support for the amendment is found throughout the specification, especially the example and page 3. The dependent claims have been amended for matters of form. Support for new Claim 22 is found on page 3.

No new matter is added.

REMARKS

Independent Claim 1 is drawn to a process that includes reacting a mixture of at least two different ketones to effect ammoximation of the ketones and form a mixture of ketone oximes. The different ketones are reacted in one step such that the ketones are simultaneously ammoximated.

The Office rejected the previously presented claims as obvious over Herwig (U.S. 2003/0100795), alone or in combination with Mantegazza (U.S. 5,498,793). The Office admits that the Herwig and Manategazza references do not disclose a process in which a mixture of two different ketones are reacted at the same time (see page 5, line 11-13 and page 3, lines 1-3 of the February 12 Office Action). The Office set forth the following rationale as support that the claimed invention is obvious:

Although there is no specific example employing both reactants at the same time, it would have been obvious to a person having ordinary skill in the art that such reactant may have been combined if the artisan desired a mixture of the corresponding ketone oximes to be produced.

See page 3, lines 4-8 of the February 12 Office Action.

Applicants traverse the Office's assertion that it would be obvious to carry out two ammoximation reactions simultaneously in the manner recited in present Claim 1.

Applicants submit that it is readily recognized by those of ordinary skill in the art that different chemical species react uniquely under different reaction conditions to provide different products. Applicants submit that the Office's assertion that it would be obvious to carry out the reaction of two different ketones to simultaneously to provide two different ketone oximes is not an obvious variation of the references cited by the Office.

For example, it is readily recognized by those of ordinary skill in the art that different chemical compounds have different patterns of reactivity, even if the different chemical compounds are in the same genus of materials (e.g., ketones). Thus, one ketone may undergo

ammoximation at a low temperature to quickly form a first ketone oxime in high yield whereas a different ketone may require substantially higher temperatures, longer reaction times, the use of a different catalyst, the use of a different solvent, a different pressure, etc., in order to achieve a similar yield and/or conversion of the different ketone to form a second ketone oxime.

Applicants submit that at the time the present application was filed a person of ordinary skill in the art would not have ammoximated two different ketones simultaneously because it would have been expected that the different ketones would be susceptible to ammoximation under different conditions. One consequence of different ammoximation reactivities would include the presence of an excess of one or more reactants (e.g., hydrogen peroxide ammonia) during the ammoximation of one of the ketones. This could lead to the formation of undesirable by-products and/or impurities, likewise it could starve the ammoximation reaction of the second ketone of necessary reactants such that only partial conversion of the second ketone as achieved.

Applicants thus respectfully request withdrawal of the rejection.

Respectfully submitted,

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